SBCivil Writ Petition No.5946/2003

Ram Niwas
Vs.
State of Rajasthan & Anr.

Date of Order :: 11th September, 2006

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. I.R.Choudhary, for the petitioner.
Mr. Shyam Ladrecha, Addl.Govt.Advocate.

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By this petition for writ the petitioner has claimed for appointment on compassionate grounds being a ward of deceased government servant.

The claim of the petitioner for appointment is denied by the respondents on the ground that the petitioner applied for appointment after a lapse of limitation prescribed for such appointment under the Rajasthan Appointments on Compassionate Grounds Rules, 1996 (hereinafter referred to as “the Rules of 1996”).

While giving challenge to the decision of the respondents it is contended by counsel for the petitioner that father of the petitioner died on 21.12.1996 and on that day the Rules of 1996 were not in force, as such the case of the petitioner was required to be considered under the Rajasthan Recruitment of Dependents of Government Servants (while dying in service) Rules, 1975 (hereinafter

referred to as “the Rules of 1975”) and not under the Rules of 1996.

Heard counsel for the parties.

The father of the petitioner died in the month of December, 1996 and the petitioner admittedly applied for appointment under the Rules of 1975 in the year 2000. In reply to the writ petition it is also stated by the respondents that elder brother of the petitioner viz. Shri Umeda Ram is already in government service and, therefore, appointment on compassionate grounds to the petitioner is not at all needed.

Looking to the fact that father of the petitioner died in the year 1996 and the petitioner applied for appointment in the year 2000 i.e. after a lapse of about four years, it shall not be appropriate to direct the respondents to consider the candidature of the petitioner for the purpose of appointment on compassionate grounds. It is well settled that the appointment on compassionate grounds is a deviation from principles of equality with view to provide aid to the wards of deceased government servants in harness. By a flux of time the injury caused looses its sharpness and, therefore, at such a belated stage the deviation from the principles of equality is not justified. In the present case elder brother of the

petitioner is already in government service, therefore, it cannot be said that there is nobody in family of deceased government servant to maintain his wards.

In totality of facts and circumstances of the case I do not find any force in the writ petition and, therefore the same is dismissed.

(GOVIND MATHUR),J.

kkm/ps.